

EMERGENCY CITY COUNCIL MEETING
JUNE 23, 1992

PRESENT

Don Dafoe	Mayor
Alan Burraston	Council Member
Robert Droubay	Council Member
Rex Harris	Council Member

ABSENT

Robert Dekker	Council Member
Gayle Bunker	Council Member

OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Virginia Taylor	Deputy City Recorder
Neil Forster	Public Works Director
Nicole Sumsion	Chronicle/Progress

Mayor Dafoe called the meeting to order at 4:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, and to each member of the City Council by personal delivery prior to the meeting.

MINUTES

Minutes were not approved at this meeting.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Droubay MOVED that the accounts payable be approved for payment as listed in the amount of \$48,815.56. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

ATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY

This agenda item was not presented.

NEW BUSINESS

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REPEALING SECTION 12-911 OF THE DELTA CITY ZONING ORDINANCE REGARDING THE REGULATION OF ABOVE GROUND STORAGE TANKS

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance repealing section 12-911 of the Delta City Zoning Ordinance regarding the regulation of above ground storage tanks.

Attorney Waddingham presented and reviewed a proposed ordinance entitled:

ORDINANCE NO. 92-146

AN ORDINANCE REPEALING SECTION 12-911 OF THE
DELTA CITY ZONING ORDINANCE AND ENACTING A NEW
SECTION 12-911 REGULATING ABOVE GROUND STORAGE
TANKS.

A Public Hearing was held prior to the Regular City Council Meeting for the purpose of receiving public comment regarding the proposed ordinance and there was no one in attendance who expressed opposition to the ordinance.

Attorney Waddingham explained that the above ordinance repeals Section 12-911 of the Delta City Zoning Ordinance and enacts a new Section 12-911 entitled "Regulation of Above-ground Storage Tanks".

Typographical and technical corrections were made to the caption of the proposed ordinance, which Mayor Dafoe made by interlineation. Thereafter, Council Member Robert Droubay MOVED to adopt Ordinance No. 92-146 as amended. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Absent
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Absent
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

PUBLIC WORKS DIRECTOR NEIL FORSTER: PARTIAL PAYMENT REQUEST #1-
VALLEY ASPHALT - AIRPORT IMPROVEMENT PROJECT

Mayor Dafoe asked Public Works Director Neil Forster to present a Partial Payment Request from Valley Asphalt for work done on the Airport Improvement Project.

Public Works Director Neil Forster presented Partial Payment Request #1 to Valley Asphalt for materials and work performed on the Airport Improvement Project in the amount of \$69,097.29.

Discussion was held regarding prior payments that may have been made on the Airport Improvement Project. The City Council recommended that the accounts be researched to determine what has been paid towards the project to date by City funds.

Following discussion, Council Member Robert Droubay MOVED to approve Partial Payment Request #1 in the amount of \$69,097.29 to Valley Asphalt for work performed at the Airport Improvement Project subject to an accounting research being done. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: 1992-1993 CONTRACT AGREEMENT BETWEEN DELTA CITY
AND - PREPARATION OF A SLUM/BLIGHT ALLEVIATION PLAN

Mayor Dafoe presented and reviewed a 1992-1993 contract agreement between Delta City and CDBG for Preparation Of A Slum/Blight Alleviation Plan Project.

Attorney Richard Waddingham then addressed the City Council and expressed his concerns regarding the proposed contract of agreement. Specifically, Attorney Waddingham could not give an opinion as to the following sections:

(a) Section 7 entitled "Documents Incorporated Into this Contract by Reference but Not Attached Hereto", which consisted of community development block programs, financial statements for fiscal year 1992-93, March 1992, Title 1 of the Housing and Community Development Act of 1974.

Attorney Waddingham indicated he did not have access to the aforementioned documents and could not give an opinion as to their content.

(b) There was no section numbered No. 5 of the contract agreement.

Attorney Waddingham stated that he was never informed by the State whether exclusion of Section 5 was an oversight or typographical error.

(c) Section 6 entitled "Purpose of Contract", referring to the construction of community development projects as specified in Attachment "D".

Attorney Waddingham indicated that Attachment "D" was not completed at the time this contract was considered.

Under attachment "A" to the contract, Attorney Waddingham informed the City Council that Delta City would be required to maintain a detailed financial and cost accounting system in order to protect the City. Attorney Waddingham stated that the State could inspect and audit the City's records pertaining to this grant at any time, without giving the City prior notice.

Attorney Waddingham advised the Council that Attachment "B" imposed several affirmative acts on the City to comply with the contract, such as providing the State with certain criteria documentation and reporting financial performance and performance reports regarding the project.

Attorney Waddingham advised the City Council that failure to comply with the reporting and record keeping requirements could result in the State withholding funds for the project.

Finally, Attorney Waddingham cautioned the council to comply with the federal statutes or regulations contained in Attachment "G", including the need for a public hearing regarding the proposed project.

Following review, Council Member Robert Droubay MOVED to authorize Mayor Don Dafoe to sign a 1992-1993 Contract Agreement between Delta City and CDBG for the preparation of a Slum/Blight Alleviation Plan. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The motion voting was as follows:

Council Member Gayle Bunker	Absent
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Absent
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

OTHER BUSINESS

Mayor Dafoe reminded all Council Members to plan on riding in the 4th of July parade.

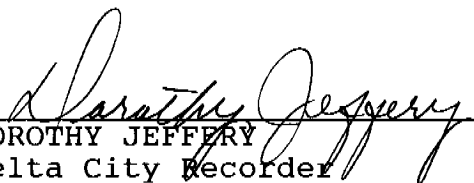
Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Droubay MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The

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motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 4:50 p.m.



DON DAFOE, Mayor



DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 8-10-92